(*Translation*)

THE HYDERABAD INTOXICATING DRUGS ACT

No IV of 1333 Fasli.

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SCHEDULE

ضمیمہ

(Translation)

THE HYDERABAD*[ ] INTOXICATING DRUGS ACT.

No. IV of 1333 Fasli.

(Received the assent of H.E.H. the Nizam on 9th Isfandar 1334 Fasli)

Preamble. Whereas it is expedient to amend and consolidate the provisions relating to intoxicating drugs ; It is hereby enacted as follows :—

Short title, commencement, extent and repeal. 1. (1) This Act may be called the Hyderabad *[ ]Intoxicating Drugs Act and it shall come into force in the whole of H. E. H. the Nizam's Doimnions from the date of its ** publication in the Jarida.

*Omitted by Act No. XXII of 1953.

**Published in the Jarida dated 24th Isfandar 1334 F.

قانون *[ ] اشیاء منشی سرکار عالی

نشان (۴) سنہ ۱۳۳۳ ف

(پیشگاہ اعلیحضرت مدظلہم العالی سے بتاریخ ۹ اسفندار سنہ ۱۳۳۴ ف منظور ہوا۔)

تمہید۔ | ہرگاہ قرین مصلحت ہے کہ احکام متعلقہ [ ]* اشیاء منشی کی ترمیم و تدوین کی جائے۔ لہذا حسب ذیل حکم ہوتا ہے :۔

مختصر نام و تاریخ نفاذ و وسعت مقامی و تنسیخ۔ | دفعہ ۱۔ (۱) یہ قانون بنام "قانون [ ]* اشیاء منشی سرکار عالی" موسوم ہوسکے گا اور تاریخ اشاعت جریدہ سے کل ممالک محروسہ سرکار عالی میں نافذ ہوگا۔

Omitted by Act No. XXII of 1953.

** جریدہ علامیہ مورخہ ۲۴ اسفندار سنہ ۱۳۳۴ ف میں شائع ہوا۔

(*Translation*)

(2) The Government may, subject to such conditions as may be prescribed, exempt wholly or within any specified area any particular substance or class of substances or any particular person or class of persons from all or any of the provisions of this Act and rules made thereunder.

(3) From the date of commencement of this Act, the Acts contained in the first Schedule shall stand repealed as specified therein.

*[2. In this Act, unless there is anything repugnant to the subject or context -

Definitions.

*[(1) "Ashya-e-Munashi" (intoxicating drugs) means—

(i) the leaves, small stalks and flowering or fruiting tops of the Indian hemp plant (Cannabis Sahira L.), including all forms known as Bhang, Sendhi or Ganja;]

(۲) ۔ سرکار عالی کو اختیار ہوگا کہ کسی خاص شئے یا کسی قسم کی اشیاء یا کسی خاص شخص یا کسی طبقہ اشخاص کو قانون ہذا کے کل یا بعض احکام و قواعد مرتبہ حسب قانون ہذا سے کلاً یا کسی مخصص رقبہ میں بہ پابندی اُن شرائط کے جو مقرر کی جائیں مستثنےٰ قرار دے ۔

(۳) ۔ تاریخ نفاذ قانون ہذا سے قوانین مندرجہ ضمیمۂ اول حسب صراحت ضمیمۂ مذکور منسوخ ہوں گے ۔

*Substituted by Act No. XXII of 1953.

*[(ii) Charas, that is, the resin obtained from the Indian hemp plant, which has not been submitted to any manipulations other than those necessary for packing and transport;

(iii) any mixture with or without neutral materials of any of the above forms of intoxicating drug, or any drink prepared thereform; and

(iv) any other intoxicating and narcotic substance which the Government may, by notification declare to be an intoxicating drug, such substance not being opium, coca leaf or a manufactured drug, as defined in Section 2 of the Dangerous Drugs Act, 1930;

(2) "Intoxicating drugs revenue" means revenue derived or derivable from any duty, fee, tax, fine or confiscation imposed or ordered under the provisions of this Act, or of any other law for the time being in force relating to intoxicating drugs ;]

*Substituted by Act No. XXII of 1953.

(*Translation*)

*[(3) "Chief Intoxicating Drugs Officer" means such officer as may be appointed by Government to perform generally or in any specified area all or any of the duties of the Chief Intoxicating Drugs Officer under this Act;

(4) "Intoxicating Drugs Officer" means such officer as may be appointed by Government for the collection of intoxicating drugs revenue and for the prevention of offences under this Act and includes an Abkari Inspector, an Abkari Sub-Inspector and such other Officer as may be entrusted with this work;

(5) "Nazim-e-Faujdari" (Magistrate) means every Magistrate of the First Class and includes a second or third Class Magistrate specially empowered by Government to try cases under this Act;

(6) "Daraamad" (import) means to bring into the Hyderabad State otherwise than across the Customs frontiers as defined by the Central Government;

(7) "Baraamad" (export) means to take out of the Hyderabad State otherwise than across the Customs frontiers as defined by the Central Government]

*Substituted by Act No. XXII of 1953.

*[(8) "Naql-o-irsal" (transport) means to move from one place to another within the Hyderabad State;

(9) "Saakht" (manufactures) includes every process by which an intoxicating drug is wholly or partly prepared;

(10) "Farokht" (sale) or "Farokht Karna" (selling) includes any transfer otherwise than by way of gift;

(11) "Cultivation" includes the tending or protecting of a plant during growth and does not necessarily imply raising it from seed; and

(12) "Prescribed" means prescribed by rules made under this Act.]

*Cultivation of hemp plant prohibited except under the provisions of this Act.

*[3. No hemp plant (cannabis sativa) shall be cultivated and no portion of the hemp plant from which intoxicating drug can be manufactured shall be collected, except under the authority of such licence and subject to such terms and conditions as may be prescribed.]

*Substituted by Act No. XXII of 1953.

(*Translation*)

4. Save as authorised under this Act or rules thereunder, no person shall—

Prohibition of certain acts relating to intoxicating drugs.

(a) possess;

(b) transport;

(c) import;

(d) export;

(e) sell;

(f) manufacture;

any *[ ]intoxicating drug.

*Substituted by Act No. XXII of 1953.

تانون اشیاء منشی۔ نشان (۴)، ۱۳۳۳ف

*[] اشیاء منشی کے متعلق بعض افعال کی ممانعت۔

دفعہ ۴۔ بجز اس کے کہ حسب قانون ہذا یا قواعد مرتبہ تحت قانون ہذا اجازت دی گئی ہو کوئی شخص مجاز نہ ہوگا کہ *[] شے منشی :۔

(الف) ۔ قبضہ میں رکھے۔

(ب) ۔ نقل و ارسال کرے۔

(ج) ۔ درآمد کرے۔

(د) ۔ برآمد کرے۔

(ھ) ۔ فروخت کرے۔

(و) ۔ ساخت کرے۔

*[5. The Government may regulate the matters mentioned in sections 3 and 4 and provide for the supervision and grant of licences and the recovery of intoxicating drugs revenue in such manner and subject to such terms and conditions as may be prescribed.]

*Power of Government to regulate the matters mentioned in sections 3 and 4.

*Substituted by Act No. XXII of 1953.

(*Translation*)

6. The Government may, by notification in the Jarida, establish warehouses at proper places in H. E. H. the Nizam's Dominions for *[ ] intoxicating drugs and make rules relating to such warehouses.

Power to establish warehouses.

*[7. Except as otherwise provided in this Act whoever contravenes the provisions of this Act or of the rules made thereunder shall be punishable with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both. If such person commits the offence after previous conviction for the same offence, the term of imprisonment may extend to one year.

Penalty for contravention of this Act or of the rules made thereunder.

8. If any person who has been granted a licence to sell intoxicating drugs, adulterates any intoxicating drug, he shall be punishable with fine which may extend to fifty rupees, and if he commits the offence after previous conviction for the same offence, he shall be punishable with imprisonment which may extend to six months or with fine or with both.]

Punishment for adulterating intoxicating drug.

*Omitted by Act No. XXII of 1953.

*Substituted by Act No. XXII of 1953.

قانون اشیاء منشی۔ نشان (۴) ۱۳۳۳ف

اختیار تقرر گودام۔ | دفعہ ۶۔ سرکار عالی کو اختیار ہوگا کہ بذریعہ اعلان مندرجہ جریدہ ممالک محروسہ سرکار عالی میں مقامات مناسب پر *[ ] اشیاء منشی کے لئے گودام مقرر اور اس کے متعلق قواعد مرتب کرے۔

*[9. In prosecution under section 7 or section 8 it shall be presumed until the contrary is proved, that the accused person has committed an offence under that Section in respect of any intoxicating drug or any still, utensil, implement or apparatus whatsoever for the manufacture of any intoxicating drug or any such materials as are ordinarily used in the manufacture of any intoxicating drug for the possession of which he is unable to account satisfactorily ;

Presumption as to Commission of offence in certain cases.

and the holder of a licence or permit under this Act shall be punishable, as well as the actual offender, for any offence committed by any person in his employ and acting on his behalf as if he had himself committed the same, unless he shall establish that all due and reasonable precautions were exercised by him to prevent the commission of such offence :

Provided that no person other than the actual offender shall be punishable with imprisonment except in default of fine.]

*Substituted by Act No. XXII of 1953.

(*Translation*)

10. When any person is convicted of any offence under Sections 7 and 8 :—

Confiscation of certain articles on conviction.

(a) * [ ] the intoxicating drug in respect of which an offence under sections 7 and 8 has been committed together with * [ ] the intoxicating drug, if any, held by him under a passport;

(b) all vessels, packages, coverings and conveyance and also the things in which the * [ ] intoxicating drug referred to in clause (a) is found or which have been used for keeping, bringing or carrying the same, other than a conveyance not belonging to the offender and which has been used in good faith, shall be liable to confiscation.

11. When a person charged with an offence in respect of any * [ ] intoxicating drug is discharged or acquitted, the Court trying the case may nevertheless order the confiscation of *[ ] the intoxicating drug.

*[Confiscation of intoxicating drug in case the accused is discharged or acquitted.]

*Omitted by Act. No. XXII of 1953.

قانون اشیاء منشی - نشان (۴) ۱۳۳۳ف

مجرم قرار پانے کی صورت میں بعض اشیاء کی ضبطی -

دفعہ ۱۰ - جب کوئی شخص حسب دفعات ۷ و ۸ مجرم قرار پائے تو

(الف) - [ ] * شئے منشی جس کی نسبت حسب دفعات ۷ و ۸ جرم ہوا ہے مع اُس [ ] * شئے منشی کے جو بذریعہ پاسپورٹ اس کے ساتھ ہو - (اگر ہو)

(ب) - تمام ظروف اور بستے اور پوشش اور مرکب اور نیز وہ شئے جس میں [ ] * شئے منشی متذکرہ ضمن (الف) پائی جائے یا اُس کے رکھنے یا لانے یا لے جانے میں استعمال کی گئی ہو - قابل ضبطی ہوں گے الا وہ مرکب جو ملک مجرم نہ ہو اور نیک نیتی سے مستعمل ہوا ہو -

دفعہ ۱۱ - جب کسی شخص پر [ ] * منشی شئے کے متعلق جرم کا الزام عائد کیا جائے اور وہ اُس جرم سے

*Amended by Act No. XXII of 1953.

(Translation)

12. Where there is reason to believe that an offence against this Act has been committed and the offender is not known or cannot be found or is beyond the jurisdiction of the Court of H.E.H. the Nizam's Dominions but goods liable to confiscation is within such jurisdiction, every Magistrate within whose jurisdiction the offence has been committed or the goods is found may take action with regard to such goods in the manner provided for summary trial and may order the confiscation of the goods in the same manner as he would have given had the offender been produced before him;

قانون اشیاء منشی ۔ نشان (۴) ۱۳۳۳ف

بری یا رہا کیا جائے تو بھی وہ عدالت جس نے مقدمہ کی تجویز کی ہو اُس [*] منشی شئے کی ضبطی کا حکم دے سکے گی ۔

[* دفعہ ۱۲ ۔ جب یہ باور کرنے کی وجہ ہو کہ کسی جرم خلاف ورزی

*[Procedure when goods liable for confiscation are found but the offender is not found.]

]]

قانون ہذا کا ارتکاب ہوا ہے اور ملزم معلوم نہ ہو یا مل نہ سکے یا عدالت ہائے سرکار عالی کی حدود کے باہر ہو لیکن مال مستوجب ضبطی ایسی حدود کے اندر موجود ہو تو ہر ناظم فوجداری جس کے حدود کے اندر جرم کا ارتکاب ہوا ہو یا مال موجود ہو اُس مال کے متعلق اُس طریقہ سے کارروائی کر سکے گا جو سرسری تحقیقات کے لئے مقرر ہے اور مال کی ضبطی کا حکم اُسی طرح دے سکے گا جس طرح اُس صورت میں دیتا کہ ملزم اُس کے روبرو موجود ہوتا ۔

*Amended by Act No. XXII of 1953.

(*Translation*)

Provided that no such order shall be passed unless notice and an opportunity of making statements and producing evidence is given to the person in possession of the goods or to the person who is believed to have title to it :

مگر شرط یہ ہے کہ ایسا حکم صادر نہ ہوگا جبتک شخص قابض یا اُس شخص کو جسے مال کے متعلق حق ہونا باور کیا جائے اطلاع نہ دی جائے اور اُسے بیانات کرنے اور شہادت پیش کرنے کا موقع نہ دیا جائے

Provided further that before passing such order the purport of the proposed order shall be made and affixed at a conspicuous place in the premises of the Court and instruction shall be given to the concerned persons that they can file their objections on a prescribed date which shall not be within thirty days from the date of the notice and after considering the objections and evidence produced, order shall be passed.

اور نیز شرط یہ ہے کہ ایسا حکم صادر کرنے کے قبل مکان عدالت میں مجوزہ حکم کا مفہوم لکھ کر کسی نمایاں مقام پر چسپان کیا جائے گا اور اشخاص متعلقہ کو ہدایت کی جائے گی کہ وہ تاریخ مقررہ پر جو تاریخ اشتہار سے تیس ۳۰ دن سے کم نہ ہوگی اپنے عذرات پیش کر سکتے ہیں اور عذرات اور شہادت پیش شدہ پر غور کرنے کے بعد حکم دیا جائے گا۔

Appeal against order for confiscation of property.

13. An appeal against an order passed under Sections 10 11 and 12 shall lie in the Court to which appeal against orders of the Court passing the order ordinarily lies.

ضبطی جائداد کے حکم کا مرافعہ۔ | دفعہ ۱۳۔ دفعات ۱۰ و ۱۱ و ۱۲ کی رو سے جو حکم صادر کیا جائے اُس کا ایک مرافعہ اُس عدالت میں ہو سکے گا جس عدالت میں کہ عدالت صادر کنندہ حکم کے احکام کا معمولاً مرافعہ ہوتا ہے۔

Powers of Intoxicating Drugs officer to enter shop.

*[14 Subject to such rules as may be framed in this behalf, every Intoxicating Drugs Officer may at any time during day or night enter into any shop where intoxicating drugs are sold.

Disposal of things confiscated and payment of rewards.

15. All things confiscated under this Act shall be disposed of and the payment of rewards to officers and informers shall be regulated in such manner as may be prescribed in that behalf.

Powers to search and arrest.

16. Any Intoxicating Drugs Officer not below the rank of an Abkari Sub-Inspector who has reason to believe from personal knowledge or from information given to him by any person and taken down in writing that any intoxicating drug liable to confiscation under this Act is kept in any building or other enclosed place, may after sun-rise and before sunset—

(a) enter into** [and search] such building, vessel or place ;]

*Substituted by Act No. XXII of 1953.

**Added by Act No. XXI of 1955.

*[(b) arrest any one who may resist entry and remove any obstacle to such entry ;

(c) take in his possession the intoxicating drug and all other articles liable to confiscation under this Act, and

(d) arrest and search any person whom he has reason to believe to be guilty in respect of the intoxicating drug.

Powers of the aforesaid Officers in other cases.

17. Any Intoxicating Drugs Officer may seize in any open place or in transit intoxicating drugs or other articles liable to confiscation and detain and search and arrest any person whom he has reason to believe to be guilty of an offence under this Act.

Provisions of the Code of Criminal Procedure, 1898 to apply to proceedings under Sections 16 and 17.

18. The provisions of the Code of Criminal Procedure, 1898, shall apply to all proceedings under Sections 16 and 17.

Officers who are bound to assist.

19. Every Police, Revenue, Customs and Abkari Officer shall, on a request made to him or when he is informed, render assistance in the due execution of the provisions of this Act and if any intoxicating drugs are found in the possession of any person in contravention of the provisions of this Act, he shall detain him and report to the Intoxicating Drugs Officer.]

*Substituted by Act No. XXII of 1953.

(Translation)

20. *[An Officer or other person, authorised to Act under this Act who :—

Penalty for vexatious exercise of certain powers.

(a) without reasonable ground of suspicion, enters or searches or causes to be entered or searched any place, or

(b) vexatiously and unnecessarily seizes any movable property of any person on the pretext of seizing or searching for anything liable to confiscation under this Act, or

(c) vexatiously and unnecessarily detains, searches or arrests any person,

Shall be punished with imprisonment which may extend to three months or with a fine which may extend to five hundred rupees or with both.]

*Substituted by Regulation dated 28th Azur, 1356 F.

بعض اختیارات کو ایذا رسانی کی غرض سے استعمال کرنے پر سزا

دفعہ ۲۰ ۔ [کوئی عہدہ دار یا اور شخص جس کو تحت قانون ہذا کارروائی کرنے کا مجاز کیا گیا ہو

(الف) شبہ پر بلا وجہ معقول کسی مقام میں داخل ہو یا کسی کو داخل کرائے یا کسی مقام کی تلاشی لے یا کسی سے تلاشی کرائے۔ یا

(ب) تحت قانون ہذا قابل ضبطی کسی شئے کو تحویل میں لینے یا اس کی تلاشی کے بہانہ سے کسی شخص کی کوئی منقولہ جائداد ایذا رسانی کی غرض سے اور غیر ضروری طور پر تحویل میں لے۔ یا

(ج) ایذا رسانی کی غرض سے یا غیر ضروری طور پر کسی شخص کو روکے یا اس کی تلاشی لے یا اسے گرفتار کرے۔

تو اس کو قید کی سزا دی جائے گی جس کی میعاد تین ماہ تک ہو سکے گی یا جرمانہ کی جس کی مقدار پانچ سو روپیہ تک ہو سکے گی یا دونوں سزائیں دی جائیں گی۔]

*ترمیم بموجب دستور العمل مورخہ ۲۸ آذر ۱۳۵۶ف۔

*[20-A. Any officer or person who unlawfully releases or attempts to release any person arrested or any article seized under this Act or abets the escape of any person arrested under this Act, or abets the commission of any offence against this Act, shall, on conviction before a Magistrate, be punishable with fine or imprisonment which may extend to half the penalty provided under this Act for the offence, or with both.

Penalty for abetment of offences against this Act, etc.

20-B. Whoever intentionally prevents or attempts to prevent any Officer from the discharge of his lawful duties under this Act, shall, on conviction before a Magistrate, be punishable with fine which may extend to five hundred rupees or with imprisonment which may extend to six months or with both ".]

Penalty for preventing Officer from discharge of duties.

**[21. The Collector of a district, the Chief Intoxicating Drugs Officer or any Intoxicating Drugs Officer empowered by Government in this behalf, or any Magistrate may, if he has sufficient reason to believe that a person has committed an offence under this Act, issue a warrant of arrest or a search warrant for the search, at any time during night or day, of any building or place. The warrant of arrest issued under this Act shall be executed in accordance with the provisions of the Code of Criminal Procedure, 1898.]

Power to issue arrest and search warrants.

*Added by Act No. XXII of 1953.

**Substituted by Act No.XXII of 1953.

Persons arrested to be admitted to bail.

*[22. (1) It shall be the duty of any Officer arresting any person under the powers given by this Act, to release such person on bail if suffeient bail is tendered for his appearance before an Abkari Inspector or before a Magistrate, as the case may be.

(2) Before any person is released on bail, a bond in such sufficient but not excessive sum of money as the Officer admitting him to bail thinks proper shall be executed by such person or by one or more sureties, conditioned that such person shall attend in accordance with the terms of the bond and shall continue to attend until otherwise directed by the Abkari Inspector before whom he was bailed to attend, or by the Magistrate, as the case may be :

Provided that the Officer admitting any such person to bail may at his discretion dispense with the requirement of a surety or sureties to the bond executed by such person.

(3) When by reason of default of appearance of a person bailed to appear before an Abkari Inspector such officer is of opinion that proceedings should be had to compel payment of the penalty or penalties mentioned in the bond of the person bailed or of the surety or sureties, he shall forward the bond to the Magistrate having jurisdiction to try the offence of which the person bailed was accused, and the Magistrate shall proceed to compel payment of the penalty or penalties in the manner provided by the Code of Criminal Procedure, 1898, for the recovery of penalties in the like case of default of appearance by a person bailed to appear before his own court.]

* Substituted by Act No. XXII of 1953.

*[22—A. The Collector or any other Officer not below the rank of an Abkari Inspector on any person accused of having committed breach of any of the provisions of this Act, being brought in custody or appearing before him on bail, shall hold such inquiry as he may think necessary, and shall either release such person or forward him in custody or admit him to bail to appear before the Magistrate having jurisdiction to try the case.

Procedure by officers empowered to inquire.

22—B. The Collector, the Chief Intoxicating Drugs Officer or any Intoxicating Drugs Officer not below the rank of an Abkari Inspector holding an inquiry in the manner provided in Section 22—A may summon any person to appear before himself to give evidence on such enquiry or to produce any document relevant thereto which may be in his possession or under his control :

Power to issue Summons.

Provided that the provisions relating to issue and service of summons contained in the Code of Criminal Procedure, 1898, so far as they do not contravene any provisions of this Act, shall also be applicable.]

* Substituted by Act No. XXII of 1953.

Procedure by Officers empowered to arrest.

23. Every Officer, empowered to arrest persons and seize articles shall, within forty eight hours, make a full report of the particulars of such arrest, search and seizure to his superior officer. Any Magistrate, who is not authorised by this Act to try the case may, if he thinks the detention in custody of the accused person for more than twenty four hours necessary; order such detention but he shall forthwith make a report of the same to the competent Magistrate.

ضابطہ کاروائی عہدہ داران گرفتار کنندہ -

دفعہ ۲۳ - ہر عہدہ دار گرفتار کنندہ اشخاص و اشیاء پر لازم ہوگا کہ (۴۸) گھنٹہ کے اندر مفصل حالات گرفتار و تلاشی و ضبطی سے اپنے عہدہ دار بالادست کو اطلاع دے ۔ ناظم فوجداری جس کو از روے قانون ہذا اختیار سماعت مقدمہ نہ دیا گیا ہو اگر ضرورت سمجھے کہ ملزم زائد از (۲۴) گھنٹہ حراست میں رکھا جائے تو اُس کو چاہیئے کہ ایسا حکم دیکر اس کی اطلاع فوراً ناظم فوجداری مجاز کو دے ۔

(*Translation*)

24. Any payable amount, other than fine due from any person under this Act or rules made hereunder, may be recovered from him and from his surety as if it were land revenue.

Mode of recovery of dues other than fines.

دفعہ ۲۴ ۔ زر واجب الادا علاوہ جرمانہ کے جو بموجب

طریقہ وصول زر واجب الادا

قانون ہذا یا بموجب اُن قواعد کے جو حسب قانون ہذا منضبط ہوں کسی شخص سے یا فتنی ہو اُس سے اور نیز اُس کے ضامن سے مثل زر مالگزاری وصول ہو سکے گا ۔

*[25. All cases under this Act shall be investigated and inquired into and all proceedings shall be conducted in accordance with the provisions of the Code of Criminal Procedure, 1898.

Procedure for investigation and inquiry into cases.

26. The lessee may within one year cause all amounts due to him to be realised through the Collector in the manner and subject to such conditions as may be prescribed in this behalf as if they were arrears of land revenue from every such person who may have occupied the business relating to the lease to the extent of the period of his occupation :

Recovery by lessee of money due to him.

Provided that :—

(a) the lessee has paid all amounts due from him to Government ; and

(b) such person has occupied the business on the basis of a written agreement between him and the lessee and such agreement is produced and proved to have been attested in the prescribed manner before the Collector or such other officer as may be authorised by Government in this behalf.]

*Substituted by Act No. XXII of 1953.

Power to compound offences.

*[27. The Chief Intoxicating Drugs Officer or any Intoxicating Drugs Officer empowered by Government in this behalf may accept from any person who is reasonably believed to have committed an offence under this Act or the rules made thereunder or from any owner or person in possession of goods reasonably believed to be liable to confiscation under this Act, a reasonable sum of money by way of composition for such offence or in lieu of such confiscation. Any proceedings taken against such person in respect of such offence or for the confiscation of such goods shall, on payment of such money, be withdrawn and no further proceedings shall be taken in respect of such offence or goods.

Report of Intoxicating Drugs officer gives jurisdiction to a competent Magistrate.

28. When an Intoxicating Drugs Officer not below the rank of Abkari Inspector, forwards in custody any person accused of an offence under this Act to the Magistrate having jurisdiction to try the case or admits any such person to bail to appear before such Magistrate, such Officer shall also forward to such Magistrate a report setting forth the name of the accused person and the nature of the offence with which he is charged, and the names of the persons who appear to be acquainted with the circumstances of the case, and shall send to such Magistrate any article which it may be necessary to produce before him. Upon receipt of such report the Magistrate shall inquire into such offence and try the person accused thereof in like manner as if complaint has been made before him as prescribed in the Code of Criminal Procedure, 1898.]

*Substituted by Act No. XXII of 1953.

Power to make Rules.

*[29. (1) The Government may, by notification in the Jarida, make rules for the purpose of carrying into effect the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, rules made under this Act may provide for—

(a) the regulation of the matters mentioned in section 5 including supervision and grant of licences and recovery of duty;

(b) the manner in which all matters relating to warehouses shall be regulated under section 6;

(c) the manner in which the powers of entry into shop shall be exercised under section 14;

(d) the disposal of things confiscated and the payment of rewards under section 15;

(e) the manner in which and the conditions subject to which the lessee may recover money under section 26; and

(f) any other matter which may be prescribed under this Act.]

*Substituted by Act No. XXII of 1953.

(*Translation*)

SCHEDULE.

(*See Section I*).

List of Acts repealed—

(1) The Hyderabad Opium Act No. V of 1308 Fasli.....entire Act.

(2) The words "or intoxicating drugs", "or intoxicating drug" shall be omitted from the following sections of The Hyderabad Abkari Act No. I of 1316 Fasli... .....to the extent as shown below :—

Sub-section (16) of Section 2, Sections 4, 9, 10, 11, 12, 13, 19, 20, 30, 32 and 34.

Sub-section (12) of Section 2 shall be omitted, Clauses (3) and (4) of sub-section (2) of Section 11 shall be omitted.

ضمیمہ

(ملاحظہ ہو دفعہ ۱)

فہرست اُن قوانین کی جو منسوخ ہونگے ۔

(۱) ۔ قانون افیون ممالک محروسہ سرکار عالی نشان ۵ سنہ ۱۳۰۸ف ..... کل

(۲) ۔ قانون آبکاری ممالک محروسہ سرکار عالی نشان ۱ سنہ ۱۳۱۶ف کی حسب ذیل دفعات سے الفاظ "یا اشیاء منشی" "یا شئے منشی" حذف کئے جائیں :۔

دفعہ ۲ ضمن ۱۶ ۔ دفعہ ۴ ۔ دفعہ ۹ ۔ دفعہ ۱۰ ۔ دفعہ ۱۱ ۔ دفعہ ۱۲ دفعہ ۱۳ ۔ دفعہ ۱۹ ۔ دفعہ ۲۰ ۔ دفعہ ۳۰ ۔ دفعہ ۳۲ ۔ دفعہ ۳۴

دفعہ ۲ ضمن ۱۲ حذف کیا جائے ۔

دفعہ ۱۱ ضمن ۲ کے فقرات ۳ و ۴ حذف کئے جائیں ۔